

Panaji, 10th February, 2011 (Magha 21, 1932)

SERIES II No. 46

OFFICIAL GAZETTE

GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 3-1-81/EST/RCS(Part)/3180

The Government is pleased to transfer Smt. Shivanee S. Borkar, Asstt. Registrar of Co-op. Societies, Election Cell, South Goa District, Margao, Group "B" Gazetted Officer and posted at Camp Court, Madgaum Urban Co-op. Bank Ltd., Margao against vacancy occurred due to retirement on superannuation on 31-1-2011 of Shri E. B. Mascarenhas, Asstt. Registrar of Co-op. Societies, Camp Court, Madgaum Urban Co-op. Bank Ltd., Margao with immediate effect.

Consequent upon the above transfer Shri P. M. Naik, Asstt. Registrar of Co-op. Societies, South Zone, Margao shall look after the charge of Smt. Shivanee S. Borkar, Asstt. Registrar of Co-op. Societies, Election Cell, South Goa District, Margao in addition to his own duties till further orders.

This order is issued with the approval of the Government under U. O. No. 13/F dated 31-1-2011.

By order and in the name of the Governor of Goa.

P. K. Velip Kankar, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 4th February, 2011.

Department of Education, Art & Culture

Directorate of Higher Education

Order

No. 22/7/91-EDN/316

Read: (1) Government Order No. 22/7/91-Edn/2748 dated 24-12-2008.
(2) Government Order No. 22/7/91-Edn/3721 dated 29-12-2009.

Consequent upon expiry of the lien allowed to be kept on the post of Lecturer in Commerce, Government College of Arts, Science and Commerce, Quepem for a period of two years w.e.f. 1-01-2009 to 31-12-2010 in respect of Dr. Purva Hegde Dessai vide orders read as above, Government is pleased to accept the technical resignation tendered by her vide her letter dated 23-09-2010 and subsequent letter dated 22-10-2010 and she stands to be relieved of the post w.e.f. 1-01-2011 accordingly in the event of her continuation to the appointment as Reader at the Department of Management Studies, Goa University.

By order and in the name of the Governor of Goa.

R. K. Halarnkar, Under Secretary (Higher Education).

Panaji, 1st February, 2011.

Directorate of Technical Education

College Section

Order

No. 16/228/Recruit Posts/GEC/08-09/P. file II/394

Read: Memorandum No. 16/228/Recruit Posts/GEC/08-09/P. file II/280 dated 28-01-2011.

On the recommendations of the Goa Public Service Commission conveyed vide their letter

No. COM(I)/5/18(4)/97/297 dated 21st December, 2010, Government is pleased to appoint Shri Mariappan Veerachamy on tempoary basis to the post of Professor in Mechanical Engineering in Goa College of Engineering, Farmagudi, with initial pay fixed at Rs. 43,000/- in the pay band of Rs. 37,400-67,000 plus Academic Grade Pay Rs. 10,000/- w.e.f. the date of joining as per the terms & conditions contained in the Memorandum cited above.

His appointment is against the vacant post of Dr. R. L. Shanbhag, Professor in Mechanical Engineering. The said post has been revived vide Order No. 16/250/creation and revival of post of GEC/DTE/10/2405 dated 12-07-10.

Shri Mariappan Veerachamy will be on probation for a period of two years.

He should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education & ex officio Addl. Secretary.

Porvorim, 7th February, 2011.

Department of Forests

Order

No. 6/15/2001-02/FOR(Part)/46

- Read: 1. Order No. 6/15/2001-02/FOR dated 07-03-2006.
2. Order No. 6/15/2001-02/FOR dated 21-03-2007.
3. Order No. 6/15/2001-02/FOR dated 02-04-2008.
4. Order No. 6/15/2001-02/FOR dated 28-04-2009.
5. Order No. 6/15/2001-02/FOR dated 22-04-2010.

The deputation term of Dr. Francis L. Coelho, Assistant Conservator of Forests presently working as General Manager in the Goa Forest Development Corporation Ltd. is hereby curtailed with immediate effect. He shall report to his parent Department for further posting immediately.

By order and in the name of the Governor of Goa.

Maria J. R. Pires, Under Secretary (Forests).

Porvorim, 1st February, 2011.

Department of Labour

Notification

No. 28/1/2010-LAB

The following award passed by the Labour Court-II, at Panaji-Goa on 28-12-2010 in reference No. IT/20/08 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Porvorim, 25th January, 2011.

THE LABOUR COURT-II GOVERNMENT OF GOA AT PANAJI

(Before Shri Suresh N. Narulkar,
Hon'ble Presiding Officer)

Case No. Ref. IT/20/08

Kum. Manini alias

Anamika Adel,

H. No. 126, Bansai,

Curchorem-Goa.

... Workman/Party I

V/s

M/s. Government Secondary

and Higher Secondary School

Teachers Co-op. Credit Society,

Bansai, Curchorem-Goa. ... Employer/Party II

Party I/Workman represented by Shri B. B. Naik.

Party II/Employer represented by Adv. V. G. Naik.

Panaji, dated: 28-12-2010.

AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by its Order dated 15-05-2008 bearing No. 28/04/2008-LAB/546 referred the following dispute for adjudication to the Industrial Tribunal of Goa.

“(1) Whether the action of the management of M/s. Government Secondary and Higher Secondary School Teacher's Co-operative Credit Society Limited, Bansai, Curchorem, Goa, in terminating the services of Kum. Manini alias Anamika Vithoba Adel, Assistant, w.e.f. 1-02-2006, is legal and justified?

(2) If not, to what relief the workperson is entitled?"

2. On receipt of the reference, a case was registered under No. IT/20/08 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Party I (for short 'Workman'), filed her statement of claim on 24-07-08 at Exhibit-7. The facts of the case in brief as pleaded by the Workman are that Employer/Party II (for short "Employer") is a Co-operative Society, registered under the Co-operative Societies Act, 1960. She stated that she was appointed by the Employer Society vide their Appointment Letter dated 01-11-02 and accordingly she joined her duties on the same day. She stated that she had worked for the Employer Society from 01-11-02 till 31-01-06. She stated that she was paid wages on monthly basis. She stated that her monthly salary was revised from time to time by the Employer Society on the basis of her performance. She stated that the Employer Society also paid her bonus to the tune of Rs. 2,500/- on 30-07-2006. She submitted that she is a "Workman" as defined u/s 2(s) of the I. D. Act. She also contended that the Employer Society is an "industry" within the meaning of Section 2(j) of the I. D. Act and as such the dispute raised by her is an "Industrial Dispute" within the meaning of Section 2(k) of the I. D. Act. She contended that the Employer Society terminated her services w.e.f. 01-02-06 without complying with the provisions of Section 25-f of the I. D. Act, 1947 and as such it is illegal, unjustified and bad in law. She contended that she had worked for more than 240 days during the preceding twelve months of her termination. She contended that before the termination of her services, no inquiry was conducted by the Employer Society and as such the action of the Employer Society in terminating her services is in violation of principles of natural justice. She submitted that the work of "Assistant" is of permanent nature. She submitted that the Employer Society has appointed a new person in her place to perform their work after the termination of her services. She submitted that since her termination of services she is unemployed and could not succeed in getting any job till date and is facing hardships due to her unemployment. She therefore prayed that the action of the Employer in terminating her services w.e.f. 01-12-06 be declared as illegal, improper and unjustified and direct Employer to reinstate her with full back wages and continuity in services.

The Employer Society filed their written statement on 04-11-08 at Exhibit-8. The Employer Society denied that the Party I is a "Workman" u/s 2(s) of the I. D. Act. The Employer denied that it is an "Industry" as defined u/s 2(s) of the I. D. Act, 1947 and also denied that the dispute raised by the Party I is an 'Industrial Dispute' within the meaning of Section 2(k) of the said Act. The Employer Society stated that the services of the Party I were sought to assist their routine office work purely on temporary basis on fixed monthly honorarium of Rs. 1,000/- as the nature of work was of temporary in nature. The Employer Society stated that the said honorarium was increased from time to time and lastly increased to Rs. 2,750/- per month. The Employer Society stated that no pay scale was prescribed to the post held by the Party I. The Employer Society denied that they have terminated the services of the Party I. The Employer stated that the Party I herself left the work voluntarily and therefore the question of complying Section 25-F of the I. D. Act, does not arise at all. The Employer Society stated that at the relevant time the then Chairman and Secretary persuaded her to remain for some more days as her sudden leaving of the job will cause inconvenience and hamper their work, however their request turned to be futile. The Employer Society submitted that it was stated by the Workman that she has secured the job in a factory at Verna. The Employer Society stated that they have learned from reliable sources that the Workman is removed from the services and therefore she has filed the present false case with malafide intention to extract money from them. The Employer Society denied that they have appointed any new person to the work performed by the Party I and stated that the members of the committee themselves do the work as it was done prior to her appointment. The Employer Society stated that the work of the Assistant is discontinued as there is no need of any assistance. The Employer Society stated that it has very limited work and the same is done by the member of the Managing Committee. The Employer Society finally prayed for the dismissal of the present dispute raised by the Party I.

Thereafter the Party I filed her rejoinder on 24-11-08 at Exhibit-9 to the written statement filed by the Employer Society. The Party I by way of her rejoinder denied each and every allegation made by the Employer Society in their written statement being false. The Party I stated that on 01-02-06 the Chairman, Shri S. S. Desai and Secretary, Uday V. Desai informed her that they have removed her from their services without giving any reasons.

5. On the basis of the pleadings filed by the respective parties, this Hon'ble Court framed the following issues on 23-04-10 at Exhibit-23.

1. Whether the Party I proves that she is a "Workman" as defined under Section 2(s) of the I. D. Act, 1947?
2. Whether the Party I proves that her services are terminated w.e.f. 1-2-2006 by the Party II?
3. Whether the Party I proves that the termination of her services w.e.f. 01-2-2006 is illegal and unjustified?
4. Whether the Party II proves that it is an "industry" as defined under Section 2(j) of the Industrial Disputes Act, 1947?
5. Whether the Party II proves that the present dispute referred by the Government of Goa is not an "industrial dispute" as defined under the Industrial Disputes Act, 1947?
6. Whether the Party II proves that the Party I had abandoned the services voluntarily?
7. Whether the Party I proves that she is entitled for any relief?
8. What order? What Award?

6. My answers to the aforesaid issues are as under:

- (a) Issue No. 1 : In the negative
- (b) Issue No. 2 : Does not arise
- (c) Issue No. 3 : Does not arise
- (d) Issue No. 4 : In the affirmative
- (e) Issue No. 5 : In the affirmative
- (f) Issue No. 6 : Does not arise
- (g) Issue No. 7 : In the negative
- (h) Issue No. 8 : As per the final Order.

REASONS

7. Issue No. 4

I am deciding the issue No. 4 first, prior to the issue Nos. 1, 2 and 3 as the issue No. 4 touches the very jurisdiction of this Hon'ble Court to adjudicate the present reference issued by the Government of Goa.

By the present issue No. 4, the onus was put on the Employer Society to prove that it is not an "industry" 2(j) of the I. D. Act, 1947.

I have heard the arguments of the Ld. Rep. Shri B. B. Naik appearing for the Party I as well as Ld. Adv. V. G. Naik appearing for the Employer.

Ld. Rep. Shri B. B. Naik, during the course of his oral arguments, submitted that the Employer Society is a Co-operative Society registered under the Co-operative Societies Act. He submitted that the Employer Society is engaged in disbursing loans to its members by charging higher rate of interest and derives profit from there. Hence, the Employer Society is an "industry" as defined u/s 2(j) of the I.D. Act.

8. On the contrary, Ld. Adv. V. G. Naik during the course of his oral arguments submitted that the onus to prove the issue No. 4 is on the Employer Society. He submitted that in order to prove their case, the Employer Society has examined her Chairman, Shri Deepak Desai, former Chairman, Shri Ashok Desai and the former Secretary, Shri Uday Desai. He submitted that the oral evidence adduced by the Employer Society on record indicates that the Employer Society does not have its own fund or source of income to cater to the financial needs of its members. He submitted that the Chairman of the Society Shri Deepak Desai in his oral evidence stated that the Employer Society obtained loans from Thrift Co-operative Societies Ltd, Ponda and disbursed the same to the members by charging 1% higher rate of interest than what is charged by the creditor bank. He submitted that the evidence on record indicates that the Party I was the only employee who was employed to assist their regular routine work and at present the members of their Managing Committee are performing the said duties. He submitted that there is no systematic activity organized by the co-operation between the Employer Society and the Party I for the services calculated to satisfy human wants or wishes nor the image of the Employer is of a plurality of workmen. In support of his oral contention he relied upon a decision of Hon'ble Supreme Court in the case of **Bangalore Water Supply v/s A. Rajappa reported in 1978 1 LLJ 349**. He submitted that the triple test laid down by the Hon'ble Apex Court in its Bangalore Water Supply case is not found positive in the present case and as such the Employer Society is not an "industry" within the meaning of Section 2(j) of the I.D. Act.

I have carefully considered the various oral as well as written synopsis of arguments advanced by the Ld. Rep. for the Party I as well as the Ld. Adv. for the Employer Society. I have also carefully perused the entire records of the present case.

9. The term "Industry" has been defined under the I.D. Act, 1947 and it means any systematic activity carried on by co-operation between an

Employer and his Workmen (whether such Workmen are employed by such Employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not;

(i) *Any capital has been invested for the purpose of carrying on such activity; or*

(ii) *Such activity is carried on with a motive to make any gain or profit, and includes*

(a) *Any activity of the Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);*

(b) *Any activity relating to the promotion of sales or business or both carried on by an establishment,*

But does not include—

(1) *Any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.*

Explanation:— For the purposes of this sub-clause, “agricultural operation” does not include any activity carried on in a plantation as defined in clause (f) of Section 2 of the Plantations Labour Act, 1951; or

(2) hospitals or dispensaries; or

(3) educational, scientific, research or training institutions; or

(4) institutions owned or managed by organization wholly or substantially engaged in any charitable, social or philanthropic service; or

(5) khadi or village industries; or

(6) any activity of the Government relating to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space;

(7) any domestic service; or

(8) any activity, being a profession practiced by an individual or body of individuals, if the number of persons employed by an

individual or body of individuals in relation to such profession is less than ten; or

(9) any activity, being an activity carried on by co-operative society or club or any other like body of individuals, if the number of persons employed by the co-operative society, club or other like body of individuals in relation to such activity is less than ten.]”

10. In the case of **Bangalore Water Supply and Sewage Board v/s A. Rajappa and ors., reported in AIR 1978 SC 548** the Hon'ble Apex Court in para 161 of its judgment has observed as under:

“161” “Industry” as defined in Section 2(j) and explained in **Banerji (AIR 1953 SC 58)** has a wide importance.

(a) Where (i) systematic activity (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e. making, on a large scale prasada or food) prima facie, there is an ‘industry’ in that enterprise.

(b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.

(c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer/employee relations.

(d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

II. Although Sec. 2 (j) uses words of the widest amplitude in its two limbs, their meaning cannot be magnified to overreach itself.

(a) ‘Undertaking’ must suffer a contextual and associational shrinkage as explained in **Banerji** and in this judgement; so also, service, calling and the like. This yields the inference that all organized activity possessing the triple elements in I (supra). Although not trade or business, may still be ‘industry’ provided the nature of the activity, viz. the employer/employee basis, bears resemblance to what we find in trade or business. This takes into the fold

'industry' undertakings, callings and services, adventures 'analogous to the carrying on of trade or business'. All features other than the methodology of carrying on the activity viz. in organizing the co-operation between employer and employee, may be dissimilar. It does not matter, if on the employment terms there is analogy.

III. Application of these guidelines should not stop short of their logical reach by invocation of creeds, cults or inner sense of incongruity or outer sense of motivation for or resultant of the economic operations. The ideology of the Act being industrial peace, regulation and resolution of industrial disputes between Employer and Workmen, the range of this statutory ideology must inform the reach of the statutory definition. Nothing less, nothing more.

- (a) The consequences are (i) professions, (ii) Clubs (iii) educational institutions (iv) co-operatives, (v) research institutes (vi) charitable projects and (vii) other kindred adventures, if they fulfill the triple tests listed in I (supra), cannot be exempted from the scope of Section 2(j).
- (b) A restricted category of professions, clubs, co-operatives and even gurukulas and little research labs, may qualify for exemption if, in simple ventures, substantially and, going by the dominant nature criterion, substantively, no employees are entertained but in minimal matters, marginal employees are hired without destroying the non-employee character of the unit.
- (c) If, in a pious of altruistic mission many employ themselves, free or for small honoria or like return, mainly drawn by sharing in the purpose or cause, such as lawyers volunteering to run a free legal services, clinic or doctors serving in their spare hours in a free medical centre or ashramites working at the bidding of the holiness, divinity or like central personality, and the services are supplied free or nominal cost and those who serve are not engaged for remuneration or on the basis of master and servant relationship, then, the institution is not an industry even if stray servants, manual or technical, are hired. Such

eleemosynary or like undertakings alone are exempt not other generosity, compassion, developmental passion or project.

IV. The dominant nature test:

- (a) Where a complex of activities, some of which qualify for exemption, others not, involves employees on the total undertaking, some of whom are not 'Workmen' as in the *University of Delhi* case (AIR 1963 SC 1873) or some departments are not productive of goods and services if isolated, even then, the predominant nature of the services and the integrated nature of the departments as explained in the *Corporation of Nagpur* (AIR 1960 SC 675) will be the true test. The whole undertaking will be 'industry' although those who are not 'Workmen' by definition may not benefit by the status.
- (b) Notwithstanding the previous clauses, sovereign functions, strictly understood, (alone) qualify for exemption, not the welfare activities or economic adventures undertaken by Government or statutory bodies.
- (c) Even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable, then they can be considered to come within Sec. 2 (j).
- (d) Constitutional and competently enacted legislative provisions may well remove from the scope of the Act categories which otherwise may be covered thereby.

The law laid down by the Hon'ble Apex Court in its aforesaid case still holds good.

11. In the case of **Umashankar Jaswal v/s Royal Auto Centre and anr. reported in 1998 I CLR 740** it has been held by the Hon'ble High Court of Bombay that "a small upmarketing business activity carried on by a Employer respondent cannot be turned as systematic activity organized by co-operation between employer and employee for distribution of goods and it does not fall within the definition of "industry".

In the said case, before the Hon'ble High Court of Bombay, the petitioner was employed by the employer which was a proprietary concern and engaged in the business of automobile spare parts. The Hon'ble High Court after applying the law laid down by the Hon'ble Apex Court in the case of *Bangalore Water Supply and Sewage Board v/s A.*

Rajappa and ors., held that the employer is not an "industry" as there is no organized labour in the employment of the employer nor can it be said that the image of the employer is of plurality of workmen. The principle laid down by the Hon'ble High Court of Bombay in its aforesaid case is equally applicable in the present case.

12. In the case in hand, the Employer is a Credit Society of the employees of Education Department, Government of Goa and is registered under the Co-operative Societies Act. The evidence on record indicates that the Employer Society obtains loan from Thrift Co-operative Association Ltd., Ponda and disburses the same to its members by charging 1% higher rate of interest than what is charged by the Thrift Co-operative Association Ltd., Ponda. The evidence on record further indicates that the Employer Society had engaged the services of the Workman on temporary basis and on a fixed monthly honorarium of Rs.1,000/- which was subsequently increased upto Rs. 2,750/- at the time of termination of services of the Workman. The evidence on record further indicates that the Workman was the sole employee of the Employer Society appointed to assist the routine office work of their society for the period starting from 01-11-2002 till 01-10-06 and thereafter the routine work of the Employer Society is being performed by the members of the Managing Committee. Thus the evidence on record indicates that there was no need of co-operation between the Employer and the Party I to render the services and without the assistance of the Party I, the Employer Society could render services in her absence. As held by the Hon'ble High Court of Bombay in its aforesaid case of Royal Auto Centre, in my opinion, in the case in hand, there is no organized labour in the employment of the Employer Society nor there is systematic activity organized by the co-operation between the employer and employee for rendering the services and hence the Employer Society is not an "industry" within the meaning of Section 2(j) of the I. D. Act, 1947. I therefore hold that the Employer Society has succeeded in proving that it is not an industry. The issue No. 4 is therefore answered in the affirmative.

13. *Issue No. 1:* While deciding the issue No. 4 hereinabove, it has been held by me that the Employer Society is not an "industry" within the meaning of Section 2(j) of the I. D. Act, 1947, therefore it cannot be said that the Party I is not a person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward etc. It is

therefore held that the Party I failed to prove that she is a "Workman" within the meaning of Section 2(s) of the I. D. Act, 1947. The issue No. 1 is therefore answered in the negative.

14. *Issue No. 5:* "The term "Industrial Dispute" has been defined u/s 2 (s) of the I. D. Act, 1974 and it means any dispute or difference between employers and Workmen between Workmen and Workmen which is connected with the employment as with the conditions of Labour of any person" while deciding the issue No. 1 it has been held by me that Party I is not a "Workman" within the meaning of Section 2(s) of the I. D. Act, 1947.

Hence the dispute raised by the Party I cannot be said an "industrial dispute" within the meaning of Section 2(s) of the I. D. Act, 1947. It is thereafter held that the Employers Society succeeded in proving that the dispute etc. raised by the Party I is not an "Industrial Dispute" within the meaning of Section 2(k) of the I. D. Act, 1947. The issue No. 5 is therefore answered in affirmative.

15. *Issue Nos. 2, 3 & 6:* While deciding the issue No. 1 hereinabove I have already discussed and come to the conclusion that the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. Similarly while deciding the issue No. 4 hereinabove, it has been held by me that the Employer Society is not an "industry" within the meaning of Section 2(j) of the I. D. Act, 1947. As such the question as to whether the services of the Party I had been terminated by the Employer Society w.e.f. 1-2-2006 or whether the Party I had abandoned her services voluntarily or whether the termination of services of the Party I w.e.f. 1-2-2006 by the Employer Society is illegal and unjustified, does not arise at all.

16. *Issue No. 7:* While deciding the issue No. 1 hereinabove, I have already discussed and come to the conclusion that the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. Similarly, while deciding the issue No. 4 hereinabove, it has been held by me that the Employer Society is not an "industry" within the meaning of Section 2(j) of the I. D. Act, 1947. The question of granting any relief to the Party I does not arise. In the circumstances, I hold that the Party I is not entitled to any relief. The issue No. 7 is therefore answered in the negative.

In view of the above discussions, I proceed to pass the following Order:

ORDER

1. It is held that the Employer Society is not an "industry" as defined u/s 2(j) of the I.D. Act, 1947. Consequently the Party I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947.
2. It is further held that whether the action of the Management of M/s. Government Secondary and Higher Secondary School Teacher's Co-operative Credit Society Limited, Bansai, Curchorem, Goa, in terminating the services of Kum. Manini alias Anamika Vithoba Adel, Assistant w.e.f. 1-02-2006, is legal and justified, does not arise.
3. No order as to cost.
4. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2011-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa on 02-12-2010 in reference No. IT/58/94 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).
Porvorim, 25th January, 2011.

**IN THE INDUSTRIAL TRIBUNAL-CUM-
-LABOUR COURT-I
AT PANAJI**

(Before B. P. Deshpande Presiding Officer)

Ref. No. IT/58/94

Workmen rep. by
The Secretary Goa Trade & Commercial
Workers Union,
Velho Building, 2nd Floor,
Panaji, Goa. ... Workmen/Party I
V/s

The Project Manager,
M/s. U. P. State Bridge Corporation Ltd.,
New Mandovi Bridge Site,
Patto, Panaji, Goa. ... Employer/Party II

Party I/Workmen is represented by Shri Subhash Naik.

Party II/Employer is represented by Adv. A. V. Nigalye.

AWARD

(Passed on this 2nd day of December, 2010)

In exercise of the powers conferred under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, the Government of Goa referred the dispute vide No. 28/30/93-LAB dated 20-7-1993, for adjudication of this Tribunal and the schedule reads as under:

"Whether the action of M/s. U. P. State Bridge Corporation Ltd., Panaji, in terminating the services of the following 10 Workmen with effect from 21-11-1992 is legal and justified?

1. Ravi Bishwas, Fitter.
2. Shushil Kumar, Helper.
3. Vijayan Naik, Helper/Elec.
4. Kailash Singh, Store-Mun.
5. Rajesh Rathorkar, Plumber.
6. Laxman Mahato, Beldar.
7. Chhotte Lal, Beldar.
8. Dinesh Prasad, Beldar.
9. Manoj Prasad, Beldar.
10. Guirish Chandra. Concrete Pump-Opr.

If not, to what relief the Workmen are entitled?"

2. Notices were served to both parties and thereafter Party I appeared and filed claim statement vide Exb. 4. Whereas Party II filed written statement at Exb. 5. The rejoinder was filed by Party I at Exb. 6.

3. In nut shell it is the contention of Party I that Party II is a company wholly owned by State of Uttar Pradesh and registered under Indian Companies Act. The said company is engaged in the business of construction of bridges, roads, stadiums all over India and abroad. The company has constructed indoor stadium at Fatorda, Margao and also undertaken the project of constructing new Mandovi bridge at Panaji, bridge at Banastari and bridge at Colvale. In order to carry out such activities Party II engaged large number of workers which were mainly in 3 categories i.e. regular workers in A category, the monthly rated

workers in B category and muster roll workers/ /daily rated workers in C category. 'A' category workers are regular workers who enjoy regular pay scales and are liable to be transferred any where in India and abroad. B category workers are the workers who have put in minimum 3 years service whereas C category are those workers who have put in minimum one year service. Initially, all Workmen are appointed in C category and after putting minimum continuous service of 3 years, such workers are absorbed in B category. Similarly, the Workmen putting 3 years service in B category is absorbed in A category and such absorption is done on the basis of seniority. A circular dated 1-5-85 was issued by Party II disclosing therein that all Workmen in C category who have completed more than 6 years as on 31st March, 1986 will be absorbed in category B. Similar circulars were issued from time to time and period of absorption was reduced to 3 years from C to B category.

4. Further, it is claimed by Party I that somewhere in 1987 Party II had undertaken the work of construction of new Mandovi Bridge and subsequently other projects in the State of Goa and for that purpose engaged large number of workers. The workers in A & B category were transferred to Goa from other establishment and workers in C category were employed and same were transferred to Goa unit. The workers who were employed in C category were informed that they will be regularized and absorbed in B category after putting minimum 3 years service. Such workers were employed as daily wages depending upon the category of work. The workers in A & B category were members of Union but the Workmen working in C category were not members of any Union initially. Party II failed to absorb the Workmen who had put in 3 years continuous service as on 31-8-90 even though circulars were issued to that effect. The workers in C category were paid meager wages as compared to the wages in other States. In October, 1991 the said workers working in C category became the members of Goa Trade and Commercial Workers Union and immediately the issues were raised by Union including that of proposed termination of 19 Workmen in C category vide companies letter dated 15-10-91. The strike notice was also served and therefore Party II withdrew the office note dated 1-10-91. Most of the Workmen completed 240 days and ought to have been brought on permanent roll. However, Party II was not interested in upgrading the workers from C to B category. Pursuant to the strike notice the Labour

Commissioner intervened and had meetings. A settlement was arrived at that on 21-12-91 and same demands of Union were settled including revised wages on par with minimum wages applicable in the State of Goa. Regarding regularization of the Workmen who had put in 240 days of service, was agreed to be considered sympathetically. Ten workers mentioned in the list of reference were engaged by Party II in C category for various post and they were paid wages as per the post held by them. Although the said ten workers were engaged as daily rated, they were paid on monthly basis on 7th of every month and payslips were also issued. 10% of the wages were deducted towards Provident Fund and such contribution was forwarded to the Head Office of Party II at Lucknow, U. P. The Party II failed to adhere to the circulars and directions issued by the head office of the company in regularizing and upgrading the Workmen as per the services put in by such respective Workmen. All ten Workmen were entitled for being regularized in service and placed in category B in view of different circulars issued by the head office from time to time. Further, Party II suddenly terminated the services of the said ten Workmen from 21-11-1992 thereby violating all labour laws and rules thereunder. No notice of one month was given before terminating the services. No retrenchment compensation was paid and there is violation of mandatory provisions of Section 25F and 25G of the Industrial Disputes Act. Similarly, no approval of the Tribunal was sought while terminating the services of the said ten Workmen even though reference vide R.D.37/ /1992 was pending adjudication and hence there is violation of Section 33 of the Industrial Disputes Act. All the said ten Workmen had put in continuous service of 240 days in one year prior to their termination and therefore the dispute was raised with Labour Commissioner however, the conciliation proceedings ended in failure and therefore Government has referred the matter to this Court.

5. The Party II filed a detail written statement wherein it has been claimed that U. P. State Bridge Corporation Ltd., is a company under public sector incorporated under the Company's Act and having its independent identity. The said Corporation undertakes construction in two ways i.e. deposit works mainly bridges belonging to U. P. Government and secondly contract works belonging to Government department against competitors, tenders or negotiations. The work load of the Corporation is totally dependent on the plant outlay sanctioned by the U. P. Government

for medium or major bridges in U. P and the number of contracts it gets in other States which never remain constant therefore the requirement of manpower is fluctuating and depends upon the work load. The said Corporation came in existence in the year 1973 and the staff and the daily rated workers of skilled categories engaged in public works division of the State of U. P. were taken on deputation. The Corporation was basically created to give a thrust to the bridge construction work in U. P. and aimed to provide temporary employment during construction to the people of the region only where the bridge project exist, to provide employment to unemployed engineers, to ensure good quality and workmanship with speedy construction.

6. Further, it is disclosed in the written statement that the construction of bridge work was managed through bridge construction units headed by the Deputy Project Manager and the Project Managers. These units were named as deposit units and the rules of U. P. State were followed with regard to monthly rated employees/ /daily rated employees who were employed against the work of a particular project under the limited categories as temporary workers for a limited period not exceeding the tenure of the bridge work and as soon as the work is reduced or completed, employment of these temporary workers was terminated. The Project Manager of particular project was given power to recruit temporary labour only and not transfer of these temporary labour was permitted from one work to other work. The daily rated employee in C category were engaged for a limited period of construction and after the project is over such employees were terminated and after fulfilling the provisions of Section 25FFF of the Industrial Disputes Act. The Government of Goa invited tenders for construction of new Mandovi bridge and the Corporation was successful bidder. Such project was under the control and supervision of the State of Goa and the Chief Engineer of Government of Goa was in charge of the project being the principle employer and the Corporation was the contractor as per the contract entered between the Government and the Corporation. The work of new Mandovi bridge commenced in February, 1987 and was to be completed by March, 1990. The Government declared new Mandovi bridge open for services of public from 23-7-92 and therefore on completion of the said project, services of 10 Workmen covered under the present reference were terminated from 21-11-92 with due compliance of the provisions of Section 25FFF of the Industrial Disputes Act.

Therefore, it is the contention of Party II that the aspects raised by Party I in their claim statement are incorrect and the said 10 Workmen were terminated on completion of the project and by following due process of law.

7. Issues were framed vide Exb. 7 by my learned predecessor which reads as under together with my findings against it.

- | | |
|---|---------------------|
| 1. Whether the Party I proves that the Party II did not comply with the provisions of Section 25F of the Industrial Disputes Act, 1947 and hence the termination of the services of the Workmen is illegal? | Not proved. |
| 2. Whether the Party I proves that the Party II violated the provisions of Section 25G of the Industrial Disputes Act, 1947 and hence the termination of the services of the Workman is illegal? | Not proved. |
| 3. Whether the Party I proves that Party II violated the provisions of Section 33 of the Industrial Disputes Act, 1947 and hence the termination of services of the Workmen is illegal? | Not proved. |
| 4. Whether the Party I proves that the action of the Party II in terminating the services of the Workmen w.e.f. 20-10-1992 is illegal and unjustified? | Not proved. |
| 5. Whether the Party II proves that the Workmen were retrenched in accordance with the provisions of Section 25FFF (2) of the Industrial Disputes Act, 1947 and its certified standing orders? | Proved. |
| 6. Whether the Party I is entitled to any relief? | Not proved. |
| 7. What Award? | As per final order. |

8. On behalf of Party I Kailash Singh, Rajesh Kathorakar were examined whereas Party II examined Shri A. K. Shrivastava and Jeetandra Kumar Pant. The written submissions were filed by Party I at Exb. 14 and Party II at Exb. 15. A rejoinder was also filed by both parties which are at Exb. 16 and 17 respectively.

FINDINGS

9. *Issue Nos. 1 to 5:* All these issues are taken for joint discussion since the same are connected and if issue No. 5 is answered in affirmative other issues will have to be answered in negative. It is the main contention of Party II that the Workmen in reference were employed in C category for the project of construction of new Mandovi Bridge and on completion of the said project their services were terminated in term of provisions of Section 25FFF of the Industrial Disputes Act and therefore the provisions of Section 25F and 25G and Section 33 of the Industrial Disputes Act are not applicable. The contention of Party I is that they were initially appointed in category C and there were circulars issued by Party II from time to time where by providing upgradation or absorption of the workers from category C to category B on completion of three years of service. This aspect has been denied by Party II and it is claimed that the appointment of Party I Workmen was in category C and only for the project of the construction of new Mandovi Bridge. In this respect let us examine the evidence produced by the parties in order to ascertain as to whether respective parties succeeded in discharging burden to prove respective issues.

10. The first witness examined by Party I is Kailash Singh who deposed that he was working with Party II since 23-4-1987 as a Store Munshi. He was working at Mandovi Bridge side in category C. He then deposed that Party II is engaged in the business activity of constructing bridges, stadiums etc., having its office at Lucknow in U. P. and carried out the work in different States including Goa. He further deposed that Party II had under taken the work of constructing bridges at Colvale, Mandovi, Banastari and the stadium at Fatorda. The Party II employed more than 10,000/-employees to carry out such work in different categories. He then deposed that the workers working in category C are the muster roll daily wage workers. Further he claimed that on completion of 3 years in category C the said workers are taken in category B and on completion of 5 years are taken in category A. He further deposed that he worked continuously upto 20-10-92 and reported for work on 21-10-92 but at that time he saw notices affixed on the notice board stating that his services have been terminated along with other nine workers. He has disclosed the names of the other nine workers who are the workers covered under the present reference. He then deposed that on reading

the said notices, of these Jr. Engineers who told them that they should not report for work as their duty is over. Further, he has given details of the daily wages and the number of years of service put in by each workers till they were terminated. Further, he claimed that at the time of termination of services no notices or one month notice pay was given to them nor they were paid with retrenchment compensation, gratuity, PF etc. The Party II did not display seniority list on the notice board and there is violation of Section 25G of the Industrial Disputes Act.

11. During the cross examination the said witness has admitted that he was employed for doing the work at Mandovi bridge site by the Project Manager. He also admitted that there is a post of Store Munshi in all the three categories and that the workers were provided with facility of residential quarters having electricity and water facilities. Further he admitted that when he was employed with Party II, there were 81 workers working in C category at Mandovi bridge and that when his services were terminated, only 10 workers including himself were working in C category. He further admitted that during his tenure, no workers from category C was permitted to category B were working at Mandovi bridge site. He also admitted that the orders of transferring the workers from category C to B or from category B to A were issued from the head office at Lucknow. The witness was unaware as to when Mandovi bridge was completed and thrown open for public. He then admitted that he was never transferred to any other project while working for Mandovi bridge site and other workers named in the present reference were also working only for Mandovi bridge site.

12. The second witness by name Rajesh also deposed in the same line as that of witness No. 1 and their cross-examination. He has also admitted that he was employed by the Project Manager at Mandovi bridge site and prior to that he was not working for Party II. He again admitted that all other workers were employed at Mandovi bridge site and their services were terminated, on the same day vide notice which was displayed on notice board. He specifically admitted that in the said notices it was mentioned that the workers should collect their dues from the office. He denied the suggestion that the notices displayed the intimation to all the workers that they should collect the notice pay and compensation and that the workers refused to accept the same. He voluntarily disclosed that the workers were offered only the demands towards salary.

13. Shri A. K. Shrivastava is the first witness examined by Party II and he deposed that he was working as Asstt. Accounts officer and posted in Goa from August, 1987 when the construction of Mandovi bridge started. He left Goa somewhere in August, 1994 after construction of Mandovi bridge was complete. He disclosed that on completion of Mandovi bridge project, services of 54 workers were retrenched by way of first phase vide notice dated 27-8-92 and the remaining 10 workers were retrenched vide notice dated 21-11-1992. He claimed that the said 10 workers are covered under the present reference who were retrenched w.e.f. 21-11-1992. He further deposed that at the time of retrenchment, the said Workmen were offered one month notice pay, retrenchment compensation and other wages and they were asked to collect the amount from office of Party II. He then deposed that the services of the said Workmen were retrenched because the work of construction of Mandovi bridge was completed and the bridge was thrown open for public in July, 1992. This witness was cross-examined on behalf of Party I but nothing was brought on record to disbelieve the statement made and the documents produced on record. He has given the explanation that the workers in category A & B were transferred on other sites on completion of Mandovi bridge and the workers in C category were retrenched on the completion of the said project. He denied the suggestion that other workers in category C were still working at the Mandovi bridge site.

14. The second witness by name Jeetendra Pant deposed that he was working as Project Manager for construction of Mandovi bridge and he employed around 80 workers in category C as per the Certified Standing Orders produced at Exb. E-1. He deposed that the workers working in C category are semi-skilled and unskilled workers. He further deposed that in his capacity as a Project Manager the workers were employed only for the purpose of construction of Mandovi bridge, which includes workers in the present reference. According to him all the said workers were employed for a specific purpose i.e. construction of Mandovi bridge and on completion of such construction their services were terminated w.e.f. 21-11-1992 as per the provisions of Section 25FFF(2) of the Industrial Disputes Act. At that time said Workmen were paid all their legal dues. Some of the Workmen accepted legal dues and the remaining were forwarded through money order at their addresses. He has produced the money order slips and some of the workers who

accept the compensation as well as the notices displayed on the board dated 20-11-1992. The said notice clearly discloses that the retrenched workers will be paid as per the provisions of Section 25FFF(2) of the Industrial Disputes Act including notice pay and other compensation and all were informed to collect their dues from the office of Party II at Panaji. The respective calculations were also displayed alongwith the notices and a chart as produced at Exb. E-4 which given in detail the amount calculated and sent by money order and accepted by some of the workers. This witness was also cross-examined at length and has not been shaken at all in any manner and the same is in conformity with the documents produced on record including Certified Standing Orders of the company.

15. In order to appreciate the above aspect claimed by Party II, it is necessary to peruse the provisions of Section 25FFF of the Industrial Disputes Act and specifically clause No. 2 wherein it is provided that where any undertaking set up for construction of building bridges, road, canals, dams or other construction work is closed down on account of the completion of the work within two years from the date of which the undertaking had been set up, no Workmen employed therein shall be entitled to any compensation under clause (b) of the Section 25F, but if the construction work is not so completed within 2 years, he shall be entitled to notice and compensation under that Section for every completed year of continuous service or any part thereof in excess of 6 months. Similarly, clause 1 of the said Section 25FFF deals with closure of the undertaking wherein it has been provided that where undertaking is closed down or any reason whatsoever, every Workmen who has been in continuous service for not less than 1 year in that undertaking immediately before such closure shall, subject to the provisions of sub-section 2 be entitled to notice and compensation in accordance with provisions of Section 25F, as if, Workmen had been retrenched.

16. It is brought on record by Party II that the company is a separate entity and an undertaking for Government of U. K. The said company is taking different projects for construction work and each project is an establishment of which the Project Manager is empowered to appoint daily wage workers in category C as per the certified standing orders only for the project work. The workers appointed for the project of construction of Mandovi bridge were also in C category and both witnesses examined by Party I have

admitted that they were appointed by the Project Manager only for the said project i.e. construction of Mandovi bridge. It is also clear from the record that the said establishment/project was closed on completion of the construction of Mandovi bridge and accordingly all the workers in C category were retrenched.

17. In this regard the Apex Court has observed in the case of **Workmen of Indian Leaf Tobacco Development Company Ltd. v/s the Management of Indian Leaf Tobacco Development Company Ltd., reported in AIR 1970 SC 860** wherein it has held that

"no Industrial Tribunal, even in a reference under Section 10(1)(d) can interfere with the discretion exercised by a company in the matter of closing down some of its branches or depots. Even if such closure may not amount to closure of the business of the company, the Tribunal has no power to issue order directing a company to reopen a closed depot or a branch, if the Company, in fact closes its down and that closure is genuine and real. The closure may be treated as stoppage of part of activity or business of the Company. Such stoppage of a part of a business is an act of management which is entirely in the discretion of company carrying on the business."

In the case of **Indian Hume Pipe Co. v/s Workmen reported in 1968 Lab I. C. 1229** where the Hon'ble Supreme Court in para 9 has held that

"Once the Tribunal finds that the employer has closed its factory as a matter of fact, it is not concerned to go into the question as to the motive which guided him and to come to a conclusion that because of a previous history between the employer and the employees the closure was not justified. Such a closure cannot give rise to an industrial dispute."

18. The documents produced by Party II clearly show that the notice was displayed and the same was perused by the workers on 21-11-1992 when they reported, for duty. A copy of the notice is on Exb. E-3 which clearly gives intention of the employer that the services of remaining 10 workers in C category were terminated since the project of new Mandovi bridge is complete and the bridge was thrown open for public. The said 10 workers were duly informed that they are entitled for notice pay and

compensation and they could collect it from the office alongwith the salary of November, 1992. A chart of the amount entitled by each worker is also attached to the notice which is signed by the project manager witness Nos. 1 & 2 of Party I have clearly admitted that such notice was displayed however they denied the aspect of notice pay and compensation paid by the management.

19. Be that as it may, the fact remains that the project was complete when the bridge was thrown open in July, 92 and at that time most of the workers in C category were retrenched however, the workers in the present reference were kept for the remaining work and their services were terminated vide notice dated 20-11-1992. This aspect further show that Party II has complied with the provisions of Section 25FFF and it is well settled that while complying the said provisions it is not mandatory to hand over the compensation and notice pay alongwith the termination letter. It is for the workers to collect such demands from the office as the project is complete and not work is remaining for future. Therefore, the contention of Party I is that there is violation of Section 25F and 25G as well as that of Section 33 of the Industrial Disputes Act, has no basis as they were appointed purely for the project and on completion of such project the Party II has complied with the provisions of Section 25FFF of the Industrial Disputes Act and therefore I answer issue Nos. 1 to 4 as not proved and issue No. 5 as proved.

20. In view of the above discussion, it is clear that Party I/workers are not entitled for any relief as claimed in the claim statement and more so the reinstatement since the project is complete. Similarly, there is no violation of Section 33 of the Industrial Disputes Act or that of Section 25F and 25G and hence the following order.

ORDER

The action of M/s. U. P. State Bridge Corporation Ltd., Panaji, in terminating the services of the 10 Workmen named in the reference with effect from 21-11-1992 is legal and justified.

No order as to costs. Inform the Government accordingly.

Sd/-
(B. P. Deshpande),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

Department of Panchayati Raj and Community Development

Directorate of Panchayats

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Notification

No. 19/35/DP/BYE-ELN/08

In pursuance of sub-section (8) of Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), read with Rule 58 of the Goa Panchayat and Zilla Panchayats (Election Procedure) Rules, 1996, it is hereby notified for the information of the public that the person specified in column No. 3 of the Schedule appended hereto have been duly elected as member of the Panchayat mentioned in the corresponding entry in column No. 2 from the ward shown against the name in column No. 4 of the said Schedule in the bye-election held on 30-01-2011.

Sr. No.	Name of the Village Panchayat	Name and address of the elected member	Ward No.
1	2	3	4
1.	Village Panchayat Cana, Benaullim, Salcete-Goa	Shri David Santano Fernandes, H. No. 948, Acsona, Benaullim, Salcete-Goa	V
2.	Village Panchayat Verna, Salcete-Goa	Shri Joao Mario Pereira, H. No. 12/A, Old Mardol, Verna, Salcete-Goa	V
3.	Village Panchayat Mollem, Sanguem-Goa	Smt. Mahima Mahadev Gaonkar, Jamboli, Mollem, Sanguem-Goa	I Reserved for Women
4.	Village Panchayat Ambaulim, Quepem-Goa	Smt. Surekha Deikar @ Vinati Vithoba Gaonkar, H. No. 397, Karguegal, Village Ambaulim, Quepem	VI Reserved for S. T. Women

By order and in the name of the Governor of Goa.

Menino D'Souza, Director of Panchayats & ex officio Joint Secretary.

Panaji, 3rd February, 2011.

Department of Planning, Statistics & Evaluation

Directorate of Planning, Statistics & Evaluation

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Order

No. 4/12/07/PLG/DPSE/2357

The transfer/posting of the following Research Assistant (Group 'B' Gazetted) Officers of the Common Statistical Cadre of Directorate of Planning, Statistics & Evaluation is hereby ordered with immediate effect.

Sr. No.	Name	Present posting	Department to which transferred
1	2	3	4
1.	Smt. Sunita Arlekar, Research Assistant	Directorate of Fisheries, Panaji	Directorate of Municipal Administration, Panaji against the vacant post of Shri Shekhar V. Usgaonkar, Research Assistant.
2.	Shri Shekhar V. Usgaonkar, Research Assistant	Directorate of Municipal Administration, Panaji	Directorate of Panchayats, Panaji against the vacant post of Shri Karra Devadanam, Research Assistant retired.

This issues with the approval of the Government.

This supersedes the earlier Order No. 4/12/07/PLG/DPSE/2163 dated 17-1-2011.

By order and in the name of the Governor of Goa.

Anand Sherkhane, Director & ex officio Joint Secretary.

Panaji, 7th February, 2011.

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Department of Public Health

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Order

No. 22/5/2002-I/PHD/PF.

Read: Memorandum No. 22/5/2002-I/PHD/PF. dated 11-09-2009.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/1/5/24(3)/89-2008/Vol.I/239 dated 29-07-2009,

Government is pleased to appoint Dr. Pramod Ramkrishna Bhide, to the post of Ayurvedic Physician (Group "A" Gazetted) in the Pay Band—3 of Rs. 15,600-39,100+(Grade Pay) Rs. 5,400/- under the Directorate of Health Services with immediate effect as per the terms and conditions contained in the Memorandum cited above and post him at Asilo Hospital, Mapusa.

Dr. Pramod Ramkrishna Bhide shall be on probation for a period of two years.

His character and antecedents have been verified by the District Magistrate, North Goa District, Panaji-Goa and he has been declared medically fit by the Medical Board.

By order and in the name of the Governor of Goa.

D. G. Sardessai, Joint Secretary (Health).

Porvorim, 24th January, 2011.

Order

No. 47/6/2011-I/PHD

Government is pleased to constitute a Core Committee for planning and review of Infant Mortality Rate for the State of Goa in collaboration with Indian Medical Association.

The Committee shall consist of the following members:

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| 1. Secretary (Health) | ... Chairman. |
| 2. Director of Health Services | ... Member. |
| 3. The Project Director, Dept. of Women & Child Development | ... Member. |
| 4. Dr. Virendra Gaonkar, Consultant Pediatrics, Criti Care, Campal | ... Member. |
| 5. Dr. Maria Piedade Silveira, Prof. & HOD Pediatrics, GMC | ... Member. |
| 6. Dr. Vishal Sawant – Consultant Pediatric Surgeon, GMC | ... Member. |
| 7. Dr. Ira Almeida – Sr. Pediatrician, Hospicio Hospital, Margao | ... Member. |
| 8. Dr. Nelly D'Sa – Sr. Pediatrician, Asilo Hospital, Mapusa | ... Member. |
| 9. Dr. Geeta Pai Kakode – Consultant Pediatrics, Margao | ... Member. |
| 10. Dr. Shivanand Gawas – Consultant Pediatrics, Mapusa | ... Member. |

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|--|-----------------------|
| 11. Dr. Sunita Gavanekar – Consultant Pediatrics, St. Inez, Panaji | ... Member. |
| 12. Dr. Hari Vallab Pai – Consultant Pediatrics, Alto-Chicalim | ... Member. |
| 13. Dr. Rajendra Deo – Consultant Pediatrics, Ponda | ... Member. |
| 14. Dr. Santosh Usgaonkar – Consultant Pediatrics, Ponda | ... Member. |
| 15. Dr. Rajiv Kamat – Consultant Pediatrics, Sanquelim | ... Member. |
| 16. Dr. Ajit Nagarsekar – Asstt. Prof. OBG, GMC | ... Member. |
| 17. Dr. Kedar Phadte – Consultant Obstetrician & Gynaecologist, Panaji | ... Member. |
| 18. Dr. Uday Nagarsekar – Consultant Obstetrician & Gynaecologist, Vasco | ... Member. |
| 19. Dr. Shailesh Kamat – Consultant Obstetrician & Gynaecologist, Vasco | ... Member. |
| 20. Dr. Ajit Mopkar – Consultant Obstetrician & Gynaecologist, Mapusa | ... Member. |
| 21. Chief Medical Officer (Family Welfare) | ... Member Secretary. |

The terms of reference of the Committee shall be as follows:

- The State Level Committee will meet and review Infant Death every 6 months.
- To monitor the parameters having impact on Infant Mortality.
- Work out specific strategies for prevention of Infant deaths and reduction in morbidity.
- Monitor Quality Assurance in relation to Child Health.
- To analyze the system gaps including the facility level gaps and advise corrective measures with time frame.
- Sensitization of the Health providers both Government and private sector.

By order and in the name of the Governor of Goa.

D. G. Sardessai, Joint Secretary (Health).

Porvorim, 24th January, 2011.

Department of Revenue

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Order

No. 22/20/2008-RD

Whereas, the Government of Goa, vide Notification No. 22/20/2008-RD dated 01-08-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 19, dated 07-08-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for volleyball ground in survey No. 214/6(P) and 214/7(P) in Khobrawado Calangute in Bardez Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/20/2008-RD dated 19-03-2010, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 52 dated 25-03-2010, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).

Porvorim, 7th February, 2011.



Department of Town & Country Planning

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Notification

No. 4-5-2-84-UDD(Part)/TCP/2011/590

In exercise of the powers conferred by sub-sections (1) and (3) of Section 20 of the Goa Town

and Country Planning Act, 1974 (Act 21 of 1975), read with Rule 3 of the Goa, Daman and Diu Town and Country Planning (Planning and Development Authorities) Rules, 1977, the Government of Goa hereby, re-constitutes in respect of Margao Planning Area and Ponda Planning Area declared as such vide Government Notification No. 4-5-2-84-UDD(Part)/05/2737 dated 27-09-2005, published in the Official Gazette, (Extraordinary No. 3), Series I No. 25, dated 27-09-2005, an authority to be called the South Goa Planning and Development Authority, consisting of the following members, namely:—

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| 1) Shri Mauvin Godinho, | — |
| Chairman. | |
| Hon'ble MLA, Cortalim | |
| 2) Shri Digambar Kamat, | — Member. |
| Hon'ble MLA, Margao | |
| 3) Shri Ravi Naik, | — Member. |
| Hon'ble MLA, Ponda | |
| 4) Shri Damodar (Damu) Naik, | — Member. |
| Hon'ble MLA, Fatorda | |
| 5) Shri Agnel Alcasois, Velsao | — Member. |
| 6) Shri Kishor K. Naik, | — Member. |
| Councillor, Ponda Municipal Council | |
| 7) Shri Datta D. Naik, Councillor | — Member. |
| Margao Municipal Council | |
| 8) Shri Joseph D'Silva, | — Member. |
| Councillor, Margao Municipal Council | |
| 9) Shri Dayanand Deulkar, | — Member. |
| Councillor, Margao Municipal Council | |
| 10) Shri Doris Texeira, Councillor | — Member. |
| Margao Municipal Council | |
| 11) Town Planning Officer from | — Member |
| the Town and Country Planning Department | Secretary. |

By order and in the name of the Governor of Goa.

Morad Ahmad, Chief Town Planner & ex officio Joint Secretary.

Panaji, 3rd February, 2011.

Department of Water Resources

Office of the Chief Engineer

Order

No. 4/5/EO-WRD/2010-2011/736

In pursuance of Government Notification No. 10/2/2005-LA dated 07-07-2005 & in continuation of this office order dated 18-05-2010 following Officers of this Department hereby appointed as Public Information Officer for the purpose of 'Right to Information Act, 2005' in Water Resources Department.

Sl. No.	Name, Designation & Office Addresses	Designation under Right to Information Act, 2005	Jurisdiction	Contact on
1.	Surveyor of Works Office of the Additional Chief Engineer (Madei), Water Resources Department, Near Sanjay School, Porvorim-Goa	Public Information Officer	Matters pertaining to Office of the Addl. Chief Engineer (Madei), Porvorim-Goa	Phone: 2412955
2.	Surveyor of Works Office of the Superintending Engineer, Circle-III, Water Resources Department, Gogal, Margao-Goa	Public Information Officer	Matters pertaining to Office of the Circle-III, WRD, Gogal, Margao-Goa	Phone: 2759427
3.	Surveyor of Works Office of the Superintending Engineer, Circle-I, Water Resources Department, 4th Floor, Junta House (Annexe), Panaji-Goa	Public Information Officer	Matters pertaining to Office of the Circle-I, WRD, Panaji-Goa	Phone: 2226042
4.	Assistant Surveyor of Works-I Office of the Superintending Engineer, Circle-IV, Water Resources Department, Gogal, Margao-Goa	Public Information Officer	Matters pertaining to Office of the Circle-IV, WRD, Margao-Goa	Phone: 2759921

This order is issued with the approval of the Government vide No. 1496 dated 24-12-2010.

S. T. Nadkarni, Chief Engineer (WR) & ex officio Additional Secretary.

Panaji, 13th January, 2011.

Order

No. 4/5/EO-WRD/2010-2011/825

In pursuance to Government Notification No. DI/INF/RTI/BILL/2005/6474 dated 15-02-2006 and in supersession of Order No. 4/5/EO-WRD/2010-2011/110 dated 18-05-2010, Shri S. V. Prabhavalkar, Superintending Engineer, Central Planning Organisation, Water Resources Department, 1st floor, Junta House Annexe, Panaji-Goa is appointed as First Appellate Authority for the purpose of 'Right to Information Act, 2005' in Water Resources Department.

This order is issued with the approval of the Government vide Sec. (U/D) No. 2067 dated 17-01-2011.

By order and in the name of the Governor of Goa.

S. T. Nadkarni, Chief Engineer (WR) & ex officio Additional Secretary.

Panaji, 31st January, 2011.

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